

ITEM #1 Responsive Documents – ORC Region 4
2014 Selection for GS-15 Senior Counsel for Air

Tommelleo, Nancy

From: Wilkes, Mary
Sent: Monday, May 19, 2014 8:49 AM
To: R4 OEA Legal-Attorneys
Cc: Oliver, Priscilla
Subject: ATTORNEY PROMOTION AND REASSIGNMENT OPPORTUNITIES: GS-15 'Senior Counsel for Air Counseling' and RCEC lateral reassignment
Attachments: Air Counseling GS-15 PD.doc; Air Counseling GS-15 Criteria Document.docx; RCEC-14 PD.docx

GS-15 Opportunity:

The management team is happy to announce that we have received permission to fill behind the vacant GS-15 'Senior Counsel for Air Counseling' position, which has been open since Vera Kornylak left for OAQPS in 2012. Given the complex and challenging air counseling issues that have continued to belabor the Region, we determined that the filling of this position is critical and warranted at this time, despite the budget challenges that the region and the agency continue to face. Regional management and OECA have agreed.

This position is both rewarding and challenging, as you will see by reviewing the attached position description (PD). Please review this PD carefully before deciding whether to apply for this position, as it will give you a clearer understanding of the expectations that will be placed on the person selected. Please also review carefully the attached document entitled "Air Counseling GS-15 Criteria Document" (hereinafter Criteria document), as it sets forth criteria which must be met in order for any applicant to be selected to fill the offered position.

To be considered for this position, you must have at least one year of experience as an attorney in the federal government at the GS-14 level. To apply, you must submit in hard copy: (1) a current resume, and (2) a narrative application that describes briefly (3-5 pages or less) examples of your work experience that address the criteria contained in the Criteria document for the position (attached below).

You will note a change in the Criteria document from other recently advertised GS-15 positions. While for other recent GS-15 opportunities, prior experience in the particular subject matter area was not a pre-requisite for selection, for this position such experience is, in fact, required. The Air Counseling Senior Attorney's area of expertise covers a multitude of highly complex CAA programs, many of which have been layered on the statute over the years and whose interrelationships are not always clear. These programs include new source review preconstruction permitting (PSD/nonattainment NSR), title V operating permits, outer continental shelf and Greenhouse Gas permitting, new source performance standards, and hazardous air pollutant requirements and MACT standards - all overlaid in some form or fashion with state implementation plan requirements (covering criteria pollutants and NAAQS program requirements for attainment and nonattainment, including Regional Haze) that call for continuous submittals from the States. The number and complexities, as well as the pressing nature, of the programmatic issues facing the region's Air Division are such that the Air Counseling Senior Attorney must be able to function at a very high level very quickly. This makes prior Clean Air Act experience essential for this position. Therefore, please be sure to include a description of your CAA experience in your narrative application.

Application materials must be submitted to Connie Barfield by COB Friday, May **30th**. Connie will provide each of the managers with a copy of your application package. In accordance with our practice, the management team (as a group) will be interviewing all applicants for this position. As always, once we have made a proposed selection, it will be sent to OECA for approval, after which the paperwork will go to the Shared Service Center for processing before the selection is final and can be announced.

Reassignment Opportunity to Regional Criminal Enforcement Counsel (RCEC) position

We are also pleased to announce an opportunity for a permanent, lateral reassignment to the RCEC position vacated when Rolando left to join WalMart several months ago. This is not a promotional opportunity, but rather an opportunity for a reassignment at current grade, up to journeyman level (GS-14). All attorneys are eligible and no prior criminal experience is required.

Given the voluminous workload of the region's Criminal Investigation Division, we continue to have a pressing need for a third RCEC. As was the case when we offered the lateral RCEC opportunity back in late 2012, the greatest need of CID at this time continues to be full-time RCEC case support. Consequently, we have decided to continue staffing the third RCEC position at the journeyman level, as opposed to competing and filling the 'AUSA Liaison' GS-15 position vacated by Jennifer when she assumed Simon's 'Senior Criminal Counsel' role.

The position of Regional Criminal Enforcement Counsel is both an exciting and challenging one, as you will see by reviewing the attached position description (PD). It presents the opportunity to engage in the criminal enforcement of a wide range of our environmental statutes, as well as other crimes under Title 18, and to interact closely with CID agents and Assistant U.S. Attorneys. Please review the PD carefully before deciding whether to apply for this position, as it will give you a clearer understanding of the expectations that will be placed on the person selected. If you would like to know more about the work that RCECs do, we encourage you to speak directly with Nancy, Jennifer or Peg to get more details on this opportunity.

If you would like to be considered for this reassignment, please send an email to Nancy, with a copy to your supervisor, by COB Friday, May 30th.

Non-Supervisory Attorney GS-15 Criteria

1. Excellence in oral and written advocacy, legal research, writing and editing skills;
2. Excellence in analyzing highly complex fact patterns, case law, regulations, statutory provisions, and policies, as well as in providing clear and comprehensive legal and policy recommendations to EPA management (oral and written) based on that analysis;
3. Ability to coach, mentor, and develop others;
4. Ability to develop and maintain highly effective, cooperative, and productive working relationships with a wide variety of persons within and outside the Agency (e.g., OEA co-workers, managers and staff within Region 4, at Headquarters, in other Regions and at DOJ; state attorneys);
5. Ability to master new areas of practice quickly, and to handle multiple tasks, including a heavy case/work load simultaneously and effectively;
6. Ability to perform duties with a very high degree of independence and professional judgment;
7. In-depth understanding of the Clean Air Act along with significant experience interpreting statutory and regulatory provisions relating thereto.

ATTORNEY-ADVISER
GS-0905-15

I. INTRODUCTION

Organizational Location: This position is located in the Office of Air, Pesticides, and Toxics Legal Support, Office of Environmental Accountability (OEA), Region 4, U.S. Environmental Protection Agency (EPA), Atlanta, Georgia.

Primary Purpose: As a recognized authority on major Clean Air Act (CAA) counseling matters, the incumbent serves as an expert advisor to the Regional Counsel/Director, the Deputy Regional Counsel, the Chief of the Office of Air, Pesticides, and Toxics Legal Support, and other Regional managers, and serves as a consultant to other attorneys in the Agency, Region 4, and states within Region 4.

II. MAJOR DUTIES AND RESPONSIBILITIES

At this level, the incumbent has a thorough knowledge of the Clean Air Act (CAA), and other environmental statutes which may include the Clean Water Act (CWA); the Toxics Substances Control Act (TSCA); the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); the Safe Drinking Water Act (SDWA); the Resource Conservation and Recovery Act (RCRA); the National Environmental Policy Act (NEPA); the Endangered Species Act (ESA); and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At this level, the incumbent is responsible for major legal counseling aspects of the Clean Air Act. The incumbent is an authority on CAA regulatory and counseling matters, which involve a wide variety of highly complex and unusual issues, requiring substantial knowledge of CAA programs, a very high degree of legal expertise, extensive legal research and analysis, and consideration of the most complicated factual and policy issues.

The incumbent is responsible for interpreting for the Regional Administrator and the regional program managers major aspects of the CAA, including a substantial body of intricate Agency regulations, and Federal case law interpreting and applying the CAA and its implementing regulations, as well as defending the CAA, CAA implementing regulations, and Agency actions in specific cases before Federal trial and appellate courts.

Matters assigned will periodically have precedential effects, have the potential for either substantially broadening or restricting the Agency=s activities, and may have an important impact on the industrial and governmental components of the regulated community in the Region. These matters often involve substantial sums of money and are often rigorously contested by some of the nation=s most distinguished and capable

attorneys. Interest in these matters may be nationwide and may involve leading members of Congress and top officials of state government. Extensive regional or even national press coverage may be present. Specific duties include the following;

- A. Serves as a recognized national authority on issues related to the Clean Air Act, particularly title I of the Clean Air Act and all of the Clean Air Act=s provisions regarding National Ambient Air Quality Standards and their impact on state implementation plan requirements. Maintains an in-depth knowledge of and experience with permitting, including a comprehensive understanding of new source review permitting, title V operating permit requirements, and title V citizen petitions.
- B. Provides advice, as requested, to Regional Senior Management, other federal agencies, other Regional EPA offices, Headquarters and Department of Justice (DOJ) attorneys, and state and local offices and attorneys. Serves as a consultant to program personnel in the Agency as requested.
- C. Serves as an authority on regulatory rulemaking requirements and their application to all Regional rulemaking activities, including responsibility for legal interpretations concerning various administrative statutes such as the Congressional Review Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act of 1995, and the Administrative Procedure Act, as well as executive orders addressing such issues as Federalism, EPA Policy on Children=s Health, Significant Regulatory Action, Indian Tribal Consultation, and Plain Language.
- D. Conducts and/or directs legal research and prepares memoranda or reports stating the facts and legal issues and justifying his/her recommendations and conclusions. May act as supporting counsel to the DOJ in cases of defensive litigation.
- E. Provides the Regional Administrator, Regional Counsel, and other Regional managers legal advice concerning the interpretation of the Clean Air Act and its implementing regulations. These interpretations are tantamount to a final decision. Possesses an extensive knowledge of the legal, technical, and scientific matters involved in the CAA air quality programs and is charged with resolving difficult problems requiring a high degree of professional judgment and discretion, substantial individual responsibility and personal initiative. Also responsible for legal aspects of other environmental statutes or media areas such as the Toxic Substances Control Act (TSCA); the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Emergency Planning and Community Right-to-Know Act (EPCRA).
- F. Directs the activities of attorneys, law clerks, and paralegals assigned to help carry out specific elements of the duties and responsibilities described above.

- G. Provides relevant written and oral legal advice, policy interpretations and recommendations, and comments on directives and other written materials to OEA and the programs in order to assure that all assigned legal-related activities, programs, and functions are carried out in compliance with governing laws, regulations, and applicable judicial interpretations and in a manner consistent with applicable policy and guidance. Through the Office Chief, Deputy Regional Counsel, and the Regional Counsel/Director, provides comments on the development of national policy and directives and guidance in order to assist in assuring that they are within the Agency=s authority and are legally effective.
- H. On behalf of the Region, and in coordination with DOJ and the Office of General Counsel (OGC), manages and coordinates assigned defensive litigation arising from regional activities. Performs extensive and intensive legal research and analysis often relating to unique, first impression or unsettled legal issues, and is responsible for satisfying requests for additional information from DOJ or U.S. Attorneys.
- I. Represents the Region and provides assistance in negotiating defensive matters and participates whenever outside parties are represented by counsel in such negotiations. Assists the EPA General Counsel, DOJ and U.S. Attorneys in preparation of appellate motions, briefs and responses thereto and in preparation and presentation of oral arguments as requested by DOJ.
- J. Represents the Agency, coordinates legal activities, and informs and advises external organizations, such as municipal, county and state officials and environmental agencies, Congressional staffs, other Federal officials and agencies, regulated industry, and public interest groups as well as the general public, in order to give expert legal advice with respect to legal problems arising from the administration of the regional programs. Explains to the same groups EPA=s authorities, responsibilities and procedures and the legal implications of program policy and guidance and, where appropriate, defends policies and practices, obtains feedback as to the effect of the Agency=s activities and programs, both real and perceived, on those external organizations or groups; and recommends revisions to Agency policies, practices and regulations so as to make them more efficacious while maintaining compliance with the law.
- K. Serves as liaison on CAA counseling matters between the Region, OGC, and the Office of Enforcement and Compliance Assurance (OECA) to provide an effective channel of communication in order to assure that the Region obtains legal judgments from OGC and OECA and also to assure that such offices are able to base such judgments and such advice upon accurate perceptions of the pertinent facts and regional program objectives.
- L. Performs other related duties as assigned.

III. **FACTORS**

Factor 1 - Knowledge Required by the Position

Mastery of all legal aspects of the Clean Air Act necessary to interpret and enforce statutory and regulatory provisions.

Thorough knowledge of the Administrative Procedure Act and the Federal Rules of Civil Procedure.

Thorough familiarity with legal research techniques, including Lexis/Westlaw, to effectively and efficiently perform extensive legal research.

Factor 2 - Supervisory Controls

The incumbent reports to the Chief, Office of Air, Pesticides and Toxics Legal Support. At the time an assignment is made, the supervisor may discuss the significance of the program and the background, but the incumbent independently conducts analysis, plans approach, and prepares reports, memoranda, motions, briefs, supporting documents, and other documents. Completed work is reviewed only for effectiveness and possible precedential effect. All work is legally sufficient. The incumbent keeps the Office Chief, the Deputy Regional Counsel, and the Regional Counsel/Director informed of major developments occurring in the attorney-client relationship with the regional program managers and with OGC, OECA, and DOJ. Legal advice, policy recommendations, and advocacy during adversarial proceedings are considered expert.

The incumbent independently represents OEA in areas of assigned responsibility, although consultation and discussion with the Office Chief, the Deputy Regional Counsel, and/or the Regional Counsel/Director are required in connection with major legal judgments, cross-media or multi-media implications, or national policy recommendations. Within assigned area of responsibility, the incumbent frequently accepts work directly from the Deputy Regional Counsel, Regional Counsel/Director, Regional Administrator, or regional program managers.

Factor 3 - Guidelines

Guidelines are broadly stated and nonspecific, e.g., broad policy statements and basic legislation that require extensive interpretation. The employee must use judgment and ingenuity in interpreting the intent of the guides that do exist and in developing applications to specific areas of work. The employee is recognized as a technical authority in the development and interpretation of guidelines.

Factor 4 - Complexity

The work consists of broad functions and processes of the legal field. Assignments are characterized by breadth and intensity of effort and involve several phases pursued concurrently or sequentially with the support of others within or outside the organization. Decisions regarding what needs to be done include largely undefined issues and elements and require extensive probing and analysis to determine the nature and scope of the problems. The work requires continuing efforts to establish concepts, theories, or programs, or to resolve unyielding problems.

Assignments involve complex and difficult legal questions requiring an intensive evaluation of information in controversial areas. By necessity, the incumbent must keep abreast of new and changing case law in three different judicial circuits.

Factor 5 - Scope and Effect

The incumbent serves as a legal authority on major Clean Air Act counseling matters. The effect of this work is the regulated community and states get authoritative and consistent legal guidance from the Region on CAA administration.

Factor 6 - Personal Contacts

Contacts are with the various U.S. Attorneys and their assistants, attorneys with DOJ, State Attorneys General, various senior state and federal managers, mayors, councilmen, corporate representatives and technical and legal staff from both the Agency and industry.

Factor 7 - Purpose of Contacts

Contacts with technical and legal staff are for the purpose of providing legal advice and counseling on environmental laws, environmental regulations, and executive orders and other federal statutes and regulations which affect the Environmental Protection Agency as a federal agency. Contacts with mayors, councilmen, corporate representatives, etc., are for the purpose of discussing the Agency=s legal position on a wide variety of statutory and regulatory issues. Contacts with U.S. Attorneys and DOJ are to provide assistance in any defensive litigation arising out of the Agency=s interpretations of its statutes and regulations.

Factor 8 - Physical Demands

The work involves no unusual physical demands other than the ability to travel by car or by air.

Factor 9 - Work Environment

There is no significant risk or discomfort imposed by the physical surroundings.

IV. **QUALIFICATIONS**

Incumbent must have an LL.B or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. Territory, the District of Columbia, or the Commonwealth of Puerto Rico, and must maintain active status as a member of the bar of one of these jurisdictions. The incumbent must have significant experience in providing legal advice and counsel at EPA, other federal, state or local agencies, or in private practice.

KERI N. POWELL

Attorney-Adviser, U.S. EPA Region 4

powell.keri@epa.gov

(b) (6)

EXPERIENCE

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4, Atlanta, GA

May 2010 – Present

Attorney-Adviser. Provide legal counseling and handle enforcement duties with respect to the Clean Air Act, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the release reporting requirements of the Emergency Planning and Community Right-to-Know Act and the Comprehensive Environmental Response, Compensation and Liability Act.

- Serve as lead attorney advising Region 4's air program regarding legal issues arising with respect to the regulation of greenhouse gases under the Clean Air Act and associated permitting requirements.
- Serve as co-lead attorney advising Region 4 on Clean Air Act permitting for Outer Continental Shelf sources.
- Provide legal advice on a variety of Clean Air Act matters including Clean Air Act State Implementation Plan actions and responses to citizen petitions seeking the Administrator's objection to title V operating permits.
- Assist the U.S. Department of Justice with defensive litigation in cases challenging Region 4 actions or national actions with a strong connection to Region 4.
- Handle administrative enforcement actions and serve as EPA's in-house counsel on cases referred to the U.S. Department of Justice for prosecution.
- In 2012, served on a 9-month half-time detail to the Office of Enforcement and Compliance Assurance to assist with the Next Generation Compliance Initiative, which promotes designing regulations and permits so that they are easier to implement, thereby achieving higher compliance and improved environmental outcomes. Presently assist with the Initiative's Regulatory Design Consulting Service.

EARTHJUSTICE, Washington, DC & New York, NY

April 2002 – May 2010

Staff Attorney (2006-2010), Project Attorney (2005-2006), Associate Attorney (2002-2005)

Advocated on behalf of environmental, public health, and community organizations in state and federal courts and before regulatory agencies.

- Litigated cases arising under the Clean Air Act, Clean Water Act, Administrative Procedure Act, National Environmental Policy Act, Magnuson-Stevens Fishery Conservation and Management Act, Comprehensive Environmental Response, Compensation and Liability Act, Emergency Planning and Community Right-To-Know Act, Resource Conservation and Recovery Act, and the Environmental Conservation Law of New York.
- Presented oral arguments to the U.S. Court of Appeals for the D.C., Second, and Sixth Circuits, the New York State Supreme Court and the New York State Appellate Division.
- Coordinated and advised in the drafting of amicus briefs in a U.S. Supreme Court case involving enforcement of the Clean Air Act's New Source Review program, including recruiting amicus attorneys, developing legal arguments, and editing draft briefs.
- Participated in notice-and-comment rulemaking proceedings, formal mediation, and informal negotiations with state and federal agency officials.
- Interviewed regularly with news reporters, spoke at news conferences, and assisted in drafting news releases.
- Spearheaded establishment of Earthjustice's Northeast office. Drafted strategic planning documents. Participated in attorney and intern hiring decisions. Represented Earthjustice in meetings with foundations and major donors. Supervised law clerks. Presented the office's work to the Board of Directors.
- Led clients in presenting issues of concern to EPA leaders, including at meetings with Mathy Stanislaus, Assistant Administrator for EPA's Office of Solid Waste and Emergency Response, and Steve Owens, Assistant Administrator for EPA's Office of Chemical Safety and Pollution Prevention.
- Administered the 2006 and 2007 summer intern program for Earthjustice's Washington, D.C. office, including interviewing, hiring, and supervising interns, organizing weekly intern seminars, and providing performance evaluations to interns and their law schools.

Victories include defeating a U.S. EPA rule prohibiting state permitting authorities from requiring facilities to perform air pollution monitoring as needed to assure compliance with Clean Air Act requirements, obtaining a court ruling that a facility's air pollution permit must include a schedule for achieving compliance with Clean Air Act New Source Review requirements, and defeating U.S. EPA rules that would have made it easier for facilities to make changes that increase air pollution levels without installing up-to-date controls.

U.S. EPA TITLE V PERFORMANCE TASK FORCE

June 2004 – April 2006

Task Force Member. Appointed by the U.S. Environmental Protection Agency to serve on task force evaluating the performance of the Clean Air Act's title V operating permit program. In cooperation with representatives of state environmental agencies, industry, and environmental advocacy organizations, received and evaluated written and oral testimony from stakeholders and developed recommendations for program improvements.

ROCKEFELLER FAMILY FUND, New York, NY

March 2000 – April 2002

Legal Consultant. Researched and drafted legal memorandum for funders detailing how the Clean Air Act title V program can be used to force coal-fired power plants to comply with New Source Review requirements. Petitioned U.S. EPA on behalf of environmental groups in Ohio and Georgia to reopen air permits for coal-fired power plants to include a mandatory schedule for achieving New Source Review compliance. Petitioned U.S. EPA on behalf of Ohio groups to correct deficiencies in Ohio's title V program. Represented groups in meetings with Georgia and Ohio officials.

NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC., New York, NY

August 1998 – April 2002

Staff Attorney. Developed and implemented litigation strategies for improving New York's air quality.

- Briefed and argued state court lawsuit resulting in a court order requiring state environmental agency to issue all initial title V permits within two years. Successfully litigated and settled federal lawsuit against U.S. EPA for violating Clean Air Act deadline for acting on title V permit petitions. Served as in-house counsel in litigation over U.S. EPA's decision to allow states to continue administering deficient title V permit programs after the statutory deadline passed for correction of program deficiencies. Prepared appeal of U.S. EPA response to Clean Air Act petitions. Drafted complaint against power plant for violating the Clean Air Act's New Source Review program.
- Filed comments on more than 50 New York State draft air permits; filed fifteen successful petitions with the U.S. EPA seeking objections to defective air permits.
- Administered the summer intern program, including interviewing, hiring, and supervising interns, organizing weekly intern seminars, and providing performance evaluations to interns and their law schools.
- Organized nationwide network of advocates focused on improving state implementation of the Clean Air Act title V permit program.
- Served on the team that designed the first ever U.S. EPA training session for members of the public interested in participating in Clean Air Act permit proceedings. Successfully organized advocates to persuade U.S. EPA to sponsor public training sessions nationwide. Lectured at nine public training sessions and authored the training manual. Instructed tribal air professionals in permit review techniques.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW (New York, NY), J.D., *cum laude*, May 1998

Activities: NYU Moot Court Board
NYU Criminal Defense Clinic

TRINITY UNIVERSITY (San Antonio, TX), B.A. in Earth Science, *cum laude*, May 1994

Activities: Alpha Phi Omega Service Fraternity, Administrative Vice President
Student Association, Presidents' Council Director
Study Abroad, Lancaster University Environmental Science Program (U.K.)
Lancaster University Speleological Society

SELECTED REPORTED CASES

- *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008): as co-counsel representing Petitioner, briefed and argued successful challenge to EPA Clean Air Act regulation exempting sources from complying with air toxics emission limits during startup, shutdown, and malfunction.
- *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008): as co-counsel representing Petitioner, briefed and argued successful challenge to EPA Clean Air Act regulation that prohibited permitting authorities from including supplemental monitoring requirements in Title V operating permits; court ruled that statute required the addition of such monitoring where warranted.
- *New York Public Interest Research Group v. Johnson*, 427 F.3d 172 (2d Cir. 2005): representing Petitioner, briefed and argued successful challenge to EPA's denial of two Clean Air Act Title V petitions seeking EPA's objection to operating permits that lacked compliance schedules needed to bring the facilities into compliance with pre-construction requirements under the Prevention of Significant Deterioration program.
- *Environmental Integrity Project v. EPA*, 425 F.3d 992 (D.C. Cir. 2005): representing the Petitioner, briefed and argued a successful challenge to an EPA action under the Clean Air Act that interpreted EPA's Title V operating permit rule to not allow permitting authorities to include supplemental monitoring in operating permits; court vacated rule due to EPA's failure to comply with the Administrative Procedure Act.
- *New York v. EPA*, 413 F.3d 3 (D.C. Cir. 2005): in case challenging EPA's 2002 revisions to its Clean Air Act New Source Review regulations, briefed and argued on behalf of intervenor environmental groups (supporting EPA against industry challenges), and assisted in briefing on behalf of environmental group petitioners. Court responded favorably to Intervenor arguments and denied industry challenges. Court partially granted environmental group petition.

PUBLICATIONS

- Keri Powell, et al., *The Proof is in the Permit: How to Make Sure a Facility in Your Community Gets an Effective Title V Permit* (2000) (Primary author). Public participation manual distributed by U.S. EPA at public workshops nationwide and made available on the agency's website at <http://www.epa.gov/oar/oaqps/permits/partic/proof1.pdf>
- Keri Powell and Larry Shapiro, *Court Undermines Pollution Law*, NEW YORK NEWSDAY, July 7, 1999. Opinion piece on Supreme Court decisions limiting standing in environmental citizen suits.
- Lisa Speer, et al., *Hook, Line, and Sinking: The Crisis in Marine Fisheries*, Natural Resources Defense Council (1997) (Contributing author). Report detailing dramatic decline of fish populations in marine fisheries.
- Keri Powell, et al., *Case No. 2I-01*, NYU MOOT COURT CASEBOOK (1997). Case materials developed for use in moot court programs at 110 subscribing law schools. The case, involving a Clean Water Act citizen suit brought to address a continuing water pollution violation, was selected for argument at NYU Law School's annual Orison S. Marden Competition.

SELECTED MEDIA COVERAGE

- Tresa Baldas, *Claims of 'Greenwashing' on the Rise*, THE NATIONAL LAW JOURNAL, June 10, 2009, available at <http://www.law.com/jsp/cc/PubArticleCC.jsp?id=1202431342143>
- The Leonard Lopate Show, *Coming Clean on Cleaners*, WNYC, May 11, 2009, available at <http://www.wnyc.org/shows/lopat/episodes/2009/05/11/segments/131551> (interview broadcast on New York City's primary public radio station)
- Susan Carpenter, *Groups Set to Sue Cleaning Product Makers for Ingredients*, LOS ANGELES TIMES, Feb. 18, 2009, available at <http://articles.latimes.com/2009/feb/18/business/fi-toxics18>

- Del Quentin Wilber, *Bush Administration Rule on Pollution Struck Down*, WASHINGTON POST, August 20, 2008.
- Felicity Barringer, *Court Rejects E.P.A. Limits on Emissions Rules*, THE NEW YORK TIMES, August 19, 2008, available at <http://www.nytimes.com/2008/08/20/washington/20air.html>
- Mike Clifford, *Cement Plants Pose "Double Self-Reported Risk,"* PUBLIC NEWS SERVICE, July 24, 2008, available at <http://www.publicnewsservice.org/index.php?/content/article/5759-1> (radio interview)
- Bernie Augustine, *Fed Up with Talk of Potential Park, Staten Islanders Planning to Sue City over Toxic Landfill*, STATEN ISLAND ADVANCE, June 26, 2008, available at http://www.silive.com/news/index.ssf/2008/06/fed_up_with_talk_of_potential.html#more

BAR ADMISSIONS

New York, District of Columbia, Supreme Court of the United States, United States Court of Appeals for the District of Columbia, Second, and Sixth Circuits, United States District Court for the District of Columbia and the Southern, Eastern, and Northern Districts of New York.

Tommelleo, Nancy

From: Wilkes, Mary
Sent: Tuesday, August 5, 2014 5:23 PM
To: R4 OEA Legal-Attorneys; Banister, Beverly; Kemker, Carol; Gettle, Jeaneanne
Cc: Oliver, Priscilla; Gordon, Scott; Sisario, Kelly; Fite, Mark
Subject: Announcement of Senior Attorney Air Counseling Selection

The OEA Management Team is pleased to announce that Keri Powell has been selected to fill the GS-15 Senior Attorney for Air Counseling position that we recently advertised within the office.

Keri has worked as an Associate Regional Counsel in our Office of Air, Pesticides, and Toxics Legal Support for four years, providing superior legal advice on numerous air counseling matters. She currently serves as lead attorney advising the Region's air program on legal issues arising with respect to the regulation of greenhouse gases. She is also a nationally recognized legal expert on Clean Air Act Title V citizen petition matters, is co-lead attorney for the Region on Clean Air Act permitting for Outer Continental Shelf sources, and is very familiar with the Clean Air Act's New Source Review and State Implementation Plan provisions. In addition, Keri recently concluded a half-time detail to OECA, during which she played an integral role in the development of the Rule Writing component of the Next Generation Compliance Initiative. She continues to bring her skills to bear on this Initiative on a periodic basis.

Prior to coming to EPA, Keri practiced for eight years as a staff attorney for EarthJustice, litigating cases arising under a number of statutes, including the Clean Air Act, and participating in a number of EPA notice-and-comment rulemaking proceedings. Keri's broad-ranging and in-depth knowledge of the Clean Air Act, along with her demonstrated excellence in key attorney skills, including the ability to develop and maintain highly effective and productive working relationships, makes her an excellent choice for this Senior Attorney position.

Please join me and the Management Team in congratulating Keri on her selection. - Mary